

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

703 KAR 5:020, The formula for determining school accountability (Final)

Applicable Statute or Regulation:

KRS 158.6453, 703 KAR 5:020, 703 KAR 5:060

Action Question:

Should the Kentucky Board of Education give final approval to 703 KAR 5:020?

History/Background:

Existing Policy. In 2004, the Kentucky Board of Education (KBE) began to engage in conversations around moving the state assessment program forward in anticipation that assessment contracts would soon expire. A structure for guiding the conversation was the document titled “Seven Steps Forward in Assessment” that outlined a number of enhancements and future goals for the state assessment system. As the KBE listened to the field and policymakers and considered legal requirements in Kentucky statute and *No Child Left Behind (NCLB)*, new directions for the system emerged. The outcome of these multiple-year conversations and subsequent board decisions has been new assessment contracts that will continue the state assessment program in a redesigned format.

Additionally, Senate Bill 130 added the ACT for students at grade 11 and optional WorkKeys assessments to the EXPLORE and PLAN readiness assessments included in the CATS assessment Request for Proposal (RFP). The bill also included requirements on accommodations, reporting, student interventions, cost, alignment studies and subsequent reduction of items on the Kentucky Core Content Test (KCCT), and technical advice. The new assessment contracts now serve as the vehicles to implement the decisions of the Kentucky Board of Education and actions of the 2006 Kentucky General Assembly that have enhanced the assessment program with several new components.

The overriding goal of the Commonwealth Accountability Testing System (CATS) is for all schools in Kentucky to reach Proficiency as defined by the KBE. The Kentucky Accountability Index includes both academic and nonacademic measures and provides the mechanism for measuring how schools are moving toward this goal. Adding components to the assessment system provides not only the opportunity to improve the measurement of school and student performance, but the ability to reflect new components in state accountability system.

Policy Issue(s):

In June, the Kentucky Board of Education began the decision process for determining how the assessment components will be reflected in the accountability system. Since the state assessment and accountability system provides the means to report results on both state and federal performance targets and the consequences for not achieving goals, issues around effectively managing changes to the system become critical. As 2014 is now a mere eight years away, it is vital that during the process of system change, fairness, continuity, and stability are maintained as much as possible and that schools and districts are provided the direction and time necessary to adjust and modify their programs appropriately.

Over the last several months, the Kentucky Board of Education has engaged in complex discussions around key questions regarding the accountability system and reviewed much thoughtful and rich feedback from practitioners in the field, such as the National Technical Advisory Panel on Assessment and Accountability (NTAPAA), the School Curriculum, Assessment and Accountability Council (SCAAC), Local Superintendents Advisory Council (LSAC), Commissioner's Superintendents Advisory Council (SAC), Commissioner's Principals Advisory Council (PrAC), the Kentucky Association of Assessment Coordinators (KAAC), Jefferson County Teachers Association, and the Kentucky Education Association (KEA).

Based on direction provided by KBE in October and on input from legislative committees, staff submitted in November proposed revisions to two accountability regulations—703 KAR 5:020 and 703 KAR 5:060. After reacting to each revision, KBE asked staff to engage NTAPAA on November 9 and 10 in additional conversation regarding inclusion of the ACT assessments (PLAN and ACT) in accountability, the linking of the previous and new assessment systems, and a reasonable timeline for completion of these technical tasks.

Emerging from the complex topics at NTAPAA was one unifying principle that Kentucky should make data-driven decisions on the important assessment and accountability questions and implement changes on a timeline that will permit the collection and analysis of the appropriate data.

Deborah Harris and Jackie Twigg, ACT representatives, were invited to address the NTAPAA panel. After discussion on a variety of ACT topics, the ACT focus continued to turn to the alignment study. The study is critical to the development of specific augmentation plans for NTAPAA's technical review as required in Senate Bill 130. In addition to the alignment study, data from the first statewide administration of the ACT would inform the technical decisions as well.

NTAPAA was particularly concerned that the proposed timeline to augment ACT items with KCCT items and generate academic indices in 2007-2008 was too ambitious. It does not allow adequate time to review data from the first statewide

ACT administration, to pilot augmented items after alignment, or to develop a technically sound augmentation plan. NTAPAA suggested the following timeline:

- **2007-2008** **Administer ACT statewide. Administer complete KCCT.**
Analyze results. Base the academic index on KCCT items. (Note: The composite ACT score can still be included in the ACT index.)
- **2008-2009**
a **Administer ACT augmented with KCCT items. Create a Kentucky scale combining ACT/KCCT items to be used in calculating an academic index for accountability.**

NTAPAA recommended a significant change to the approach for linking the previous and new assessment systems. The group suggested withdrawing the proposed revisions to 703 KAR 5:060 Interim Accountability Model at this time, recommended implementing the changes to the assessment system as scheduled in 2006-2007 and then maintain the current trends until standard setting on the changed test design occurs in Summer 2007. After applying the new standards and analyzing data, it would be evaluated as to whether equating of the previous and new assessments can be accomplished technically. If equating is not achievable, then a statistical model would be proposed through the regulatory process. This approach allows the decisions to be driven by data from implementation of the new system and from the processes of standard setting and equating.

Based on the NTAPAA meeting, further research, and review of the regulation, staff proposes some modifications to the proposed regulatory language (703 KAR 5:020). To assist KBE in reviewing the proposed amendments to the regulation, **any changes from November are bolded and a reference (page and line numbers) is cited in bold italics to locate the revised regulation language.** If regulation language is not cited, an explanation is provided.

Academic Index

1. Increase the weights for KCCT reading and mathematics to
 - 22% for reading and 22% for mathematics at elementary, and
 - 19% for reading and 19% for mathematics at middle.

Staff proposes 22% for each content area at elementary to reflect an increase after the redistribution of the norm-referenced index. *(Same as November recommendation -- 703 KAR 5:020, page 8, line 11 through page 9, line 1)*

- (a) Should accountability calculations include a measure of growth using grade-to-grade assessments in reading and mathematics (3-8) when longitudinal data is cumulated?

Staff will begin work with vendors and the National Technical Advisory Panel on Assessment and Accountability to resolve technical issues and create a growth measure that may be included in accountability.

(Same as November recommendation -- No changes will be proposed to regulations regarding this topic until technical issues are resolved.)

2. Keep the focus of equal weights on all content areas at the high school level.

(Same as November recommendation -- 703 KAR 5:020, page 9, line 1)

a. Students will take the complete ACT (English, Reading, Mathematics and Science) at grade 11 beginning in school year 2007-08 and will receive an ACT score.

ACT items that align to Kentucky's Core Content for Assessment will be augmented or combined with items from the Kentucky Core Content Test (KCCT) to generate scores for the state assessment. KBE expressed the desire that the ACT items begin to apply in accountability beginning in 2007-08. Based on NTAPAA discussion, staff recommends this augmentation process begin in 2008-2009.

(Same recommendation as November -- This is already directed in Senate Bill 130 and will be implemented; therefore, it is not repeated in the proposed regulation. Kentucky law prohibits statutory language from being repeated in an administrative regulation.)

Norm-referenced Index

1. At elementary and middle school, do not include a norm-referenced index and redistribute the five percent (5%).

(Same as November recommendation -- 703 KAR 5:020, page 8, line 11 through page 9, line 1)

Give districts the resources to purchase and administer an approved elementary norm-referenced test (NRT) in reading and mathematics and require public reporting of the results along with communication of individual student results. Require public reporting of EXPLORE results.

(Same as November recommendation -- 703 KAR 5:020, page 2, lines 10 through 19)

Use EXPLORE results in development of a student's Individual Learning Plan (ILP).

(Same as November recommendation -- Most appropriate inclusion of this concept is in the regulation guiding the Individual Learning Plan.)

Additionally, explore embedding items from the National Assessment of Educational Progress (NAEP) in the Kentucky Core Content Test and obtain a national comparison score based on these items.

(Same as November recommendation -- No changes are proposed to the regulations regarding this topic until technical issues are resolved.)

2. KBE directed staff to not include a norm-referenced test in the high school index and redistribute the five percent (5%) to other content areas.

The National Technical Advisory Panel on Assessment and Accountability (NTAPAA) expressed concerns that using the PLAN and ACT norms, which were developed with a national college-bound population to generate an index for all Kentucky students (college bound and non-college bound), would not be appropriate. These concerns were discussed with the KBE in October.

Following the October KBE meeting, the Education, Assessment and Accountability Review Subcommittee (EAARS) indicated a preference to include the ACT in an index similar to the Norm-Referenced Index.

Reflecting advice from both EAARS and NTAPAA, a new proposal to include PLAN and ACT results was generated for the November meeting:

- Generate an index based on the composite scores of PLAN and ACT.
- Allow schools to earn credit based on student performance along the scales for each assessment.
- Average the PLAN index and ACT index together for an ACT Index.

(Same as November recommendation -- 703 KAR 5:020, page 10, lines 6 through 10)

NTAPAA reviewed using PLAN and ACT composite scores to create an ACT Index and raised no issues about this proposal. The regulation has been modified to reflect when data from the PLAN and ACT are available for inclusion in the ACT Index. The index will be based on PLAN in 2006-2007 and a combination of PLAN and ACT in 2007-2008.

(New -- 703 KAR 5:020, page 10, lines 3 through 5)

Nonacademic Index

1. Change the total weight and the distribution of weights within the Nonacademic Index.

(Same as November recommendation -- 703 KAR 5:020, page 8, line 11 through page 9)

Staff has continued to work on refining percentages and measures in this area. Final recommendations are reflected in the revisions to the accountability regulation.

(Same as November recommendation except as noted below -- 703 KAR 5:020, page 5, line 12 through page 7, line 11)

- a. The values for attendance rate are the actual percentage reported in Average Daily Attendance (ADA) for each school and district. *(page 5, lines 12-13)*
- b. Generate retention rates at elementary and middle school and dropout rates at middle school based on 100 minus the actual percentage calculated for each school district. *(page 5, lines 13-15)*
- c. For high school, use graduation rate to capture both retention and dropout and it shall be calculated as required by No Child Left Behind Act of 2001. Factors valued by Kentucky to be added to the graduation rate include students receiving Certificates of Attainment; graduating by age 21;

completing a secondary GED and graduating in three years or less. *(page 5, line 16 through page 6, line 2)*

- d. The calculation for Transition to Adult Life shall include a base and a bonus category. The factors are a completed ILP, ACT benchmarks set by the Council on Postsecondary Education, Kentucky Employability Certificate, Kentucky Certificate of Attainment, Advanced Placement, International Baccalaureate and Commonwealth Diplomas, **National Merit Finalist designation**, Kentucky Occupational Skill Standards Certificate and national industry certification.

Further research has indicated that the Armed Services Vocational Aptitude Battery (ASVAB) assessment data discussed in November may not be available. The proposed regulation has been modified to remove this measure. Additionally, based on the recommendation of SCACC, the measure of students receiving National Merit Finalist designation has been added to the bonus category for Transition to Adult Life. In addition, language has been added to reflect when the graduation rate with Kentucky values and the Transition to Adult Life measures will be fully available for reporting in 2008-2009. *(New -- page 6, line 3 through page 7, line 11)*

Wellstone Amendment

In 2006, Kentucky used an augmented Norm-Referenced Test (NRT) to meet *No Child Left Behind (NCLB)* annual testing requirements (grades 3-8) in grades where the Kentucky Core Content Test was not given in reading and/or mathematics. Kentucky was approved by the United States Department of Education to use the Wellstone Amendment for reporting NCLB results. Wellstone allowed Kentucky to use data only from grades taking the Kentucky Core Content Test and not include data from the grades taking the augmented NRT for making determinations of Adequate Yearly Progress. In 2007, Kentucky will have annual testing for reading and mathematics (grades 3-8) using the Kentucky Core Content Test, which will allow reporting based on the same type of assessment, and will not need to use the Wellstone Amendment. The revisions to the accountability regulation modify the Wellstone language.

(Same recommendation from November -- 703 KAR 5:020, page 20, lines 8-13; page 21, lines 8-11; page 22, lines 9-14)

Other Weights

The revisions to the accountability regulations reflect earlier KBE and NTAPAA conversations regarding the weighting of multiple choice and open response items and the KBE decision for equal weighting of the writing on-demand and writing portfolio components. *(Same recommendation from November -- 703 KAR 5:020, page 4, line 22 through page 5, line 11)*

Attached are updated pie charts with proposed accountability weights for 2007 and beyond compared to the accountability weights for 1998-2006 at elementary, middle and high schools. The proposed pie charts reflect the revisions to the 703 KAR 5:020. *Same recommendation as November -- See Attachment B.)*

Accountability for Fall Assessments

New language has been proposed to establish how schools shall be held accountable for students taking fall-administered assessments that are included in accountability calculations. Staff used the accountability rule that schools and districts are held accountable based on the students they instruct for a full academic year or any 100 days of enrollment. Because fall testing is early in the school year, schools shall be held accountable based on students who have been enrolled for a full academic year in the prior school year. *(New -- 703 KAR 5:020, page 3, lines 14-16)*

Interim Accountability Model

Based on the recommendation of NTAPAA for linking previous and new systems discussed earlier in the staff note, staff recommends removing 703 KAR 5:060 from the revision process. The National Technical Advisory Panel on Assessment and Accountability will continue to advise the Commonwealth on whether a statistical model to link the previous and new systems will be necessary.

Removing 703 KAR 5:060 impacts dates in several locations in 703 KAR 5:020. Since NTAPAA discussed maintaining trends for the present, staff recommends removing the dates proposed in November and using the original regulatory language.

(New -- 703 KAR 5:020, page 12, lines 7 and 16; page 14, line 18; page 16, lines 1-15; page 17, lines 3 and 10; page 19, line 5; page 22, line 20; and page 23, line 1)

For schools that change their service area boundaries, data from prior years' performance is used in establishing new baselines and goals. Language has been added to assure that the appropriate weights used in past reporting from 1999-2006 are used in the calculations of new baselines and goals. *(New -- 703 KAR 5:020, page 12, lines 8-9)*

703 KAR 5:020 continues to require schools to apply for a waiver from the standard grade level configuration for reporting by June 30 prior to the beginning of the school year in which the reconfiguration is to occur. Revisions to 703 KAR 5:020 have added third grade at elementary and sixth grade at middle to the standard grade level configurations for reporting. While a June 30 deadline will work effectively in the future, the Office of Assessment and Accountability will need to be flexible with districts concerning the timeline for requesting a waiver during school year 2006-2007. Schools and districts will need the opportunity to submit a waiver after the new grade level configurations are in place. Waivers are presented to the Kentucky Board of Education for approval.

Any other proposed changes (underlining of new language; bracketing and strikethroughs of deleted language) found in the attached regulations but not discussed in this staff note are technical, format (but not substantive) changes.

Staff Recommendation and Rationale:

Staff recommends final approval of 703 KAR 5:020. This will allow timely implementation of the redesigned assessment system and implement legislative requirements. NTAPAA's guidance was incorporated into the recommendations.

Groups Consulted and Brief Summary of Responses:

School Curriculum, Assessment and Accountability Council (SCAAC) comments will be reported at the December meeting. A letter from the Local Superintendents Advisory Council on its input regarding 703 KAR 5:020 will come to the KBE prior to the December meeting.

Impact on Getting to Proficiency:

Since the inception of a state assessment and accountability program with the passage of the Kentucky Education Reform Act (KERA), the accountability focus has remained primarily school-based with recognition and sanctions attached to school results. The revisions to the accountability regulations maintain a growth model with performance of schools serving as their own baseline. All students and thus all schools are expected to demonstrate improvement within the system.

As Kentucky's assessment and accountability system transitions to incorporate new assessments and changes to the accountability program, an important consideration will be how to build the system while allowing schools and districts the capacity to keep pace with and to manage the change. Clear expectations are a key to focusing work toward school and student proficiency and reasonable timelines will enable schools and districts to implement change effectively.

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